

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

DOUGLAS JACKSON,

Petitioner,

Civil No. 2:15-CV-11622

v.

UNITED STATES DISTRICT COURT JUDGE
GERSHWIN A. DRAIN

LES PARISH,

Respondent,

**OPINION AND ORDER DIRECTING THE CLERK OF THE COURT TO
FURNISH PETITIONER WITH A COPY OF THE COURT'S ORDER
DATED JUNE 15, 2018 (Dkt. No. 31) AND DENYING AS MOOT
PETITIONER'S MOTION TO LIFT STAY (Dkt. No. 33)**

Petitioner filed a Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254 on May 5, 2015. *See* Dkt. No. 1. That Petition was Held in Abeyance on May 12, 2015 to permit Petitioner to return to the state courts and exhaust additional claims which had not yet been presented to the state courts. *See* Dkt. No. 5.

On May 14, 2018, Petitioner filed a Motion to Compel the Michigan Department of Corrections to provide him with legal assistance from the Legal Writers Program, so he could file an application for leave to appeal to the Michigan Supreme Court. *See* Dkt. No. 28. On June 15, 2018, the Court denied the Motion because it was now futile for Petitioner to file an application for leave

to appeal since the deadline to file the application had expired. *See* Dkt. No. 31. In the Opinion and Order, the Court directed the Clerk of the Court to reopen the case to the Court's active docket, amended the caption, granted Petitioner **one hundred and twenty (120) days** from the date of the Opinion and Order to file an amended habeas petition, and set a deadline for Respondent to file an answer and the Rule 5 materials. *See id.*

Petitioner has sent a letter to this Court, claiming that he did not receive timely notice of the Court's Order. *See* Dkt. No. 32.

The Court orders the Clerk of the Court to mail a copy of the Court's order dated June 15, 2018 (Dkt. No. 31) to Petitioner. A review of the docket sheet in this matter reveals that Petitioner submitted his Amended Petition for a Writ of Habeas Corpus on September 5, 2018. *See* Dkt. No. 34. Respondent shall file a Response in accordance with the deadline set forth in this Court's June 15, 2018 Opinion and Order. *See* Dkt. No. 31.

Petitioner has also filed a Motion to Lift the Stay. *See* Dkt. No. 33. The Motion to Lift the Stay (Dkt. No. 33) will be DENIED as moot because this Court already lifted the stay when it ordered the Clerk of the Court to reopen the case to the Court's active docket. *See* Dkt. No. 31.

IT IS SO ORDERED.

Dated: September 24, 2018

/s/Gershwin A. Drain
GERSHWIN A. DRAIN
United States District Judge

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record and on Douglas Jackson, #748757, Oaks Correctional Facility, 1500 Caberfae Highway, Manistee, MI 49660 on September 24, 2018, by electronic and/or ordinary mail.

s/Julie Owens
Case Manager